

Needed: a new subchapter entitled “Management of Historic Resources”

David Mollenhoff, April 9, 2015

The Ordinance Committee of the Madison Alliance for Historic Preservation believes that Madison’s new landmarks ordinance should have a new subchapter entitled “Management of Historic Resources” for three reasons:

1. Six management functions identified in the draft below are either ignored or covered insufficiently in the latest LORC draft (03-04-15).
2. An effective ordinance requires management *and* regulatory functions. Almost all of today’s ordinance is regulatory, but this does not mean that management functions should be overlooked. In fact, the performance of the six management functions noted below are critically important for a successful preservation program.
3. Locating management functions in its own sub-chapter increases clarity and coherence to ordinance users.

Sub-chapter G (?).

Management of Historic Resources

[A proposed new sub-chapter to be added to LORC’s March 3 Chapter 41 draft]

The Department of Planning and Community and Economic Development in conjunction with the Landmarks Commission shall initiate, implement, and update plans, programs, policies and procedures to effectively manage the city’s historic resources.

1. Initiating new and updating existing historic preservation plans and surveys.

[The word “plans” only appears twice in this ordinance and that is in 33.19(2)(n), Powers and Duties, that creates Chapter 41. However, these two uses of the term “plans” is woefully insufficient to describe the large and important role that plans play in a successful historic preservation program. Section A below adds those essential details.]

[The word “survey” is only used once in the ordinance and that is in the Powers and Duties Section 33.19(2)(b) that creates Chapter 41. However, the amount of detail provided in this section is inappropriate for the powers and duties section and should be moved to the text of Chapter 41. The language below locates the details about surveys to Chapter 41 where they belong.]

A. Develop and recommend the following historic preservation plans to the Common Council:

- (1) A comprehensive historic preservation plan, to be completed at least once every 10 years, shall include:
 - a. A detailed analysis of the community’s preservation history.
 - b. A community conversation about preservation goals and values.
 - c. A master plan including priorities, strategies, actions, schedules and costs.
 - d. Policies to integrate preservation planning with overall city management.
 - e. Plans, programs, and policies that use historic resources to attract visitors, improve property values, and stimulate the economy.
- (2) Plans for new or revised historic districts as needed.

(3) Plans for the evaluation of historic resources as needed.

B. Conduct periodic surveys to identify and document the City's important historic resources. A comprehensive city-wide survey shall be updated at least once every 10 years.

2. Encouraging economic development by promoting heritage tourism.

[This function is based upon the fact that historic resources are economic assets that can attract visitors, create jobs, and stimulate business. Unfortunately, the *concept* of heritage tourism is only mentioned twice in the ordinance and that is in Section 41.01, Purpose and Intent, where the word "visitors" is used. The language below provides the detail that heritage tourism deserves.]

A. Work with the Greater Madison Convention and Visitors Bureau and other organizations to attract visitors and organizations to Madison.

B. Work with local, state, and national organizations to schedule events and programs that increase understanding and appreciation of the city's historic resources.

3. Providing technical assistance and information.

[This function is already being done by the preservation planner, but is not mentioned in the ordinance.]

A. Provide information and technical assistance to owners and prospective owners of historic resources on how to comply with this ordinance.

B. Provide information about Madison's historic preservation program to the public.

4. Optimizing public recognition of landmarks and historic districts

[The March 3 Chapter 41 draft mentions "recognition of landmarks" (41.09), but does *not* mention the corresponding obligation, signage for historic districts. This section places both recognition functions in the same logical and convenient place.]

A. Plaques on landmarks.

[This section was copied from 41.09 (03-04-15). Only the subchapter designation cited in the text was changed to reflect the 03-04-15 draft.]

After a landmark has been properly designated in accordance with subchapter C, the Commission shall cause to be prepared and erected on such property at City expense, a suitable plaque declaring that such property is a landmark. Such plaque shall be so placed as to be easily visible to passing pedestrians. In the case of a landmark structure, the plaque shall state the accepted name of the landmark, the date of its construction, and other information deemed proper by the Commission. In the case of a landmark which is not a structure, such plaque shall state the common name of the landmark and such other information deemed appropriate by the Commission. However, if the landmark is ecologically or culturally sensitive such that the Commission determines placement of a plaque is inappropriate, no plaque is required. No person shall remove or alter a plaque without approval of the Preservation Planner.

B. Signage for historic districts

[This section was *added* to create parallel language for historic district signage. It was modeled on the above plaque language.]

After a historic district has been created in accordance with subchapter D, the Commission shall cause appropriate signage to be erected. The signage shall be easily visible to passing pedestrians and motorists and shall clearly delineate the boundaries of the district. In performing this function, the Commission shall work with neighborhood associations and other organizations and individuals with an interest in district recognition. The Commission shall develop policies governing the design, installation, maintenance, and funding of district signage. No person shall remove or alter signage without approval of the Preservation Planner.

5. Providing adequate and effective historic preservation program funding.

[The word “funding” does not appear in the LORC draft. However, because funding is an essential ingredient of historic preservation, the following details should be added.]

- A. Submit requests to the mayor, board of estimates, and the city council;
- B. Seek and secure grants from non-city sources;
- C. Develop policies and manage funds that may be set up by the city or others for historic preservation;
- D. Provide information on how to secure grants, tax credits, and other funding programs.

6. Developing plans, programs, policies and procedures that encourage cooperation and coordination in the administration and enforcement of this ordinance within the Department of Planning & Community and Economic Development, with other city departments; and with the Plan Commission, Urban Design Commission, Economic Development Commission and other boards and commissions with responsibilities that impact historic preservation.

[This function cannot be legislated, but this language encourages the Commission and staff to establish and maintain effective methods to achieve this goal.]

Implications of the addition of this section:

1. The language in Subchapter A, Purpose and Intent, must be revised to reflect the content of the proposed Subsection G. Only one of the elements of the proposed new management sub-section, heritage tourism, is covered and then obliquely:

(f) Recognize that the city’s historic resources are economic assets that can attract residents and visitors, create jobs, stabilize and improve property values, and stimulate business and industry.”

One way to compensate for this oblique reference and the omission of the other five functions in this draft is to add a new element to the Purpose and Intent section as follows:

To provide plans, programs, policies and procedures for the management of historic resources.

2. Add definitions for “signage,” “plaques,” “comprehensive historic preservation plans,” and possibly others.

3. Delete the reference to “recognition of landmarks” from 41.09 (March 4 draft)

4. Today’s Subchapter G, Designated Historic Districts, Historic District Ordinances, would need to be redesignated as Subchapter H.

5. The language in 33.19(2) (b) and (n) should be revised as follows:

2 Powers and Duties.

(b) *Initiate and update* ~~Oversee a~~ *survey*s for the identification of significant properties, structures, sites and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state, or city ~~at least every ten (10) years.~~

(n) *Initiate and update* ~~Review proposed~~ historic preservation *plans*, amendments to historic preservation *plans*, and amendments to Chapter 41, Historic Preservation Ordinance, and make recommendations to the Common Council.”